

June 23, 2017

Mr. Brian McKinley
Baltimore County Property Management
12200-A Long Green Pike
Glen Arm, MD 21057

Re: Galloway Ave. Maintenance Facility
Forest Conservation Variance
Tracking # 03-17-2493

Dear Mr. McKinley:

A request for a variance from the Baltimore County Code Article 33, Title 6 Forest Conservation was received by this Department of Environmental Protection and Sustainability (EPS) on June 12, 2017. If granted, the variance would allow removal of four specimen trees and impacts to ten other specimen trees. The variance would also allow the forest conservation worksheet to be based on the 3.5-acre limit of disturbance rather than the entire 159-acre County property in order to facilitate the construction of a 5,830-square foot (sf) grounds maintenance building, highway maintenance building addition, 600-sf pole barn, and associated storm water management and parking. Four of the 14 specimen trees to be impacted or removed are in poor condition or dead, and all of these trees are located in or at the edge of forested area.

The Director of EPS may grant a special variance to the Forest Conservation law in accordance with criteria outlined in Section 33-6-116 of the Baltimore County Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One of the three criteria under Subsection 33-6-116 (d) must be met, and all three of the criteria under Subsection 33-6-116 (e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116 (d)(1) of the Code) requires that the petitioner show that the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of all beneficial use of his property. The applicant is seeking to make improvements to a Baltimore County maintenance facility necessary to provide adequate public works and recreational services. Retaining all of these specimen trees would preclude the proposed improvements due to the close proximity of the existing golf

Mr. Brian McKinley
Galloway Ave. Maintenance Facility
Forest Conservation Variance
June 23, 2017
Page 2

course, topography, and other constraints affecting siting of the improvements and causing an unwarranted hardship to the applicant. Therefore, we find that this criterion has been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions in the neighborhood. The petitioner's plight in fully meeting the Forest Conservation Law is due to the location of the specimen trees in relation to the proposed maintenance facility improvements as well as the taxpayer expense of full compliance rather than general conditions in the neighborhood. Therefore, we find the second criterion has been met.

The third criterion (Subsection 33-6-116 (d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. Only 3.5 acres in a fairly remote section of the 159-acre golf course property would be disturbed. Furthermore, the maintenance facilities have existed at this location for years. Therefore, we find that the variance, as requested, will not alter the essential character of the neighborhood and that this criterion has been met.

The fourth criterion (Subsection 33-6-116 (e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. We have determined that there are no wetlands, streams or floodplains near the subject improvements. Furthermore, forest clearing is being limited to approximately 0.3 acre along the forest edge, and water quality management will be provided for the heretofore unmanaged storm runoff. In fact, much of the proposed forest clearing is necessitated by the topographical constraints for providing this management. Therefore, we find that granting of the special variance will not adversely affect water quality and that this criterion has been met.

The fifth criterion (Subsection 33-6-116 (e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance which is the result of actions taken by the petitioner. The petitioner has not taken any prior action to create a condition or circumstance necessitating this variance. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116 (e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Reducing the reforestation obligation based on the proposed limit of disturbance and allowing critical impact to 14 specimen trees to expand an existing maintenance facility would be consistent with the spirit and intent of the Forest Conservation Law given that existing impacts to water quality would be reduced by the proposed development. Furthermore, only 0.3 of the approximately 28

Mr. Brian McKinley
Galloway Ave. Maintenance Facility
Forest Conservation Variance
June 23, 2017
Page 3

acres of forest would be cleared by the proposed expansion. Therefore, this criterion has been met.

Based upon our review, this Department finds that the required variance criteria have been met. Therefore, the requested variance is hereby approved, in accordance with Section 33-6-116 of the Baltimore County Code, with the following conditions:

1. The project's 0.6-acre reforestation requirement shall be met by paying a \$13,068.00 fee-in-lieu of planting. This fee shall be paid to this Department prior to issuance of any grading or building permit. No fee in lieu is required for the specimen tree impacts/removal, as all specimen trees are within forest to be cleared and mitigated.
2. Best management practices shall be shown on the plans and implemented to minimize impacts to all specimen trees to remain including slight shifting of the limit of disturbance where feasible to stay further from specimen tree trunks and specific tree protection measures.
3. A note must be added to all subsequent plans stating: "A variance to the Forest Conservation Law was granted by Baltimore County DEPS on June 23, 2017 to allow critical impact to 14 specimen trees and to base the reforestation requirement on the project's 3.5-acre limit of disturbance rather than the entire property. Conditions were placed on this approval including payment of a \$13,068.00 fee in lieu of reforestation."
4. A final forest conservation plan (FCP) that reflects the terms of this variance must be submitted to EPS and approved prior to approval of any grading plan or permit. The FCP provided with the application is approved as a preliminary FCP only.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

Mr. Brian McKinley
Galloway Ave. Maintenance Facility
Forest Conservation Variance
June 23, 2017
Page 4

If you have any questions regarding this correspondence, please contact Mr. Glenn Shaffer at (410) 887-3980.

Sincerely yours,

Vincent J. Gardina
Director

VJG/ges

c. Ms. Marian Honeczy, Maryland Dept. of Natural Resources

I/we agree to the above conditions to the subject property into compliance with Baltimore County's Forest Conservation Law.

Balt. County Property Management Representative's Signature

Date

Printed Name